

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

**THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE**

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

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WRIT PETITION NO : 3661 of 1995

Between:

- 1 Chundru Apparao, S/o. Satyanarayana, R/o.1-10-227 Ashoknagar, Hyderabad.
- 2 Chundru Kondala Rao, S/o. Satyanarayana, R/o Samalkot, East Godavari

District.

- 3 Chundru Hemalatha Devi, W/o. Chundru Surya Bhaskara Rao,
R/o Vikrampuri Colony, Secunderabad, Andhra Pradesh.
- 4 Chundru Nirupama, D/o. C Surya Bhaskara Rao,
R/o Vikrampuri Colony, Secunderabad, Andhra Pradesh.
- 5 Chundru Deepu, D/o. C Surya Bhaskara Rao,
R/o Vikrampuri Colony, Secunderabad, Andhra Pradesh.

..... PETITIONERS

AND

- 1 The Land Acquisition Officer and Special Deputy Collector, L.A., Yeleru

Reservoir Project, Unit III, Peddapuram, E.G.Dist (now merged with the

R.D.O. Peddapuram, East Godavari District.

- 2 The Revenue Divisional Officer, Peddapuram, Peddapuram, East Godavari

District.

- 3 The District Collector, Kakinada, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring that the endorsement No.A.28/93 dated 24.06.1993 of the 1st

Respondent is null and void, arbitrary and unconstitutional and contrary to the provisions of Sec 28-A of the Land Acquisition Act and direct the respondents to pay the compensation to the petitioners in the respect of their land of Act 2-01 cents in S.No. 339 of G.Ragampet, Peddapuram Mandal, at the enhanced rate as determined in O.P.No.247/86 dated 13.11.1987 which was confirmed by this Hon'ble Court in A.S.No.1501/88 dated 13.11.1992.

Counsel for the Petitioners : MR.G.KRISHNA MURTHY

Counsel for the Respondents : GP FOR LAND ACQUISITION

The Court made the following :

ORDER :

Case of petitioners appears to be that their lands were acquired. They accepted the award and did not make any application seeking reference under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act'), but others affected by the award, made applications seeking reference under Section 18 of the Act and got the compensation enhanced by the Civil Court. The award was upheld even by the High Court. Thereafter, the petitioners made an application seeking enhancement of the award in terms of Section 28-A of the Act. The judgment was passed by the Sub-Court, Peddapuram, enhancing compensation in O.P.No.247 of 1986 on 13.11.1987. The application was moved by the petitioners on 26.02.1993 i.e. after more than five years, therefore the benefit under Section 28-A of the Act was not given to the petitioners, as their application was time-bared.

I do not find any illegality in the order passed by the authorities concerned. Writ Petition is devoid of merit and it is accordingly dismissed. No order as to costs.

17th March 2005 BILAL NAZKI, J

ajr

ASST. REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Land Acquisition Officer and Special Deputy Collector, L.A., Yeleru Reservoir Project, Unit III, Peddapuram, E.G.Dist (now merged with the R.D.O. Peddapuram, East Godavari District.
 - 2 The Revenue Divisional Officer, Peddapuram, Peddapuram, East Godavari District.
 - 3 The District Collector, Kakinada, East Godavari District.
 - 4 Two C.Cs. to the GP for Land Acquisition, High Court of A.P., Hyderabad
- (OUT)
- 5 Two C.D. copies.

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